

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN BILL GLASER**, on February 9, 2001 at 3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bill Glaser, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. John Cobb (R)
Sen. Jon Ellingson (D)
Sen. Jim Elliott (D)
Sen. Alvin Ellis Jr. (R)
Sen. Sam Kitzenberg (R)
Sen. Debbie Shea (D)
Sen. Mike Sprague (R)
Sen. Mignon Waterman (D)

Members Excused: Sen. Dale Berry (R)
Sen. John C. Bohlinger (R)
Sen. Don Ryan (D)

Members Absent: None.

Staff Present: Linda Ashworth, Committee Secretary
Eddy McClure, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 294, 2/2/2001; SB 394,
2/5/01; SB 390, 2/5/2001
Executive Action: SB 394, SB 313, SB 294, SB 110
(Discussion), SB 390

HEARING ON SB 294

Sponsor: _____ **SEN. RIC HOLDEN, SD 1, Glendive**

Proponents: None

Opponents: None

Opening Statement by Sponsor:

SEN. RIC HOLDEN opened on SB 294. **SEN. HOLDEN** submitted written testimony, **EXHIBIT(eds33a01)**. He also submitted a letter of support from **Wanda Sand, President of the Montana Food Service Association, EXHIBIT(eds33a02)**.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 5}

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

Mike Barrett, representing himself, spoke on his concerns regarding education nutrition.

Questions from Committee Members and Responses:

SEN. MIGNON WATERMAN wondered if the same dollar amount would apply to a small district as well as a district the size of Billings. **SEN. HOLDEN** informed the committee that the assumption was correct. The smaller districts would have a more difficult time maintaining a school lunch program and the idea would serve to help the smaller districts while keeping the integrity of the match the same throughout the entire state.

SEN. WATERMAN inquired whether this would be a one time only fund or if schools would apply every year. **SEN. HOLDEN** explained that there was no sunset provision in the bill.

{Tape : 1; Side : A; Approx. Time Counter : 5 - 10}

Closing by Sponsor:

SEN. HOLDEN closed on SB 294. He asked that the committee keep the bill in the back of their minds. He felt it would make sense to have this as an integral part of the educational funding system.

{Tape : 1; Side : A; Approx. Time Counter : 10 - 12}

HEARING ON SB 394

Sponsor: SEN. DEBBIE SHEA, SD 18, Butte

Proponents: REP. RICK LAIBLE, HD 59, Victor
REP. JIM KEANE, HD 36, Butte
Bill Case, Director of the Anaconda Job Corps
Jim Kaney, Trapper Creek Job Corps, Darby
Chelsey Stay, President of Trapper Creek Job Corps
Student Body, Darby
Bill Cooper, Office of Public Instruction
Erik Burke, Montana Education Association/Montana
Federation of Teachers
Bob Vogel, Montana School Boards Association

Opponents: None

Opening by Sponsor:

SEN. DEBBIE SHEA opened on SB 394. She advised that SB 394 would form a partnership which would consist of an inter-local cooperative agreement between an accredited Montana job corps and a Montana school district. Through this agreement, school districts would be able to keep the ANB of students from their districts that would enroll in the job corps program. Section 1, Subsection 2 highlights the provisions and requirements of that agreement. She offered amendments (SB039401.aem) to the bill, **EXHIBIT**(eds33a03). Eddy McClure explained the amendments.

{Tape : 1; Side : A; Approx. Time Counter : 12 - 16}

Proponents:

REP. RICK LAIBLE, HD 59, Victor described SB 394 as being a win - win situation for all parties involved. It would give young people an opportunity to attend an accredited job corps, to gain experience in a trade while receiving instruction, and to obtain a high school diploma. The schools would receive ANB and the students would receive the opportunity to learn a trade.

REP. JIM KEANE, HD 36, Butte voiced support for SB 394. He shared his experiences working at a job corps. He reiterated that the bill would be a great opportunity for students that have fallen through the cracks.

Bill Case, Director of the Anaconda Job Corps, elaborated that the job corps program had been in existence since 1965. It was originally slated as a five year program but the program's success in making a difference in the lives of young people has guaranteed its continuance. Today it continues as a twenty four

hour, seven day a week program within a safe and secure environment.

Mr. Case asserted that the job corps program is currently working with school counselors and psychologists. He argued that SB 394 bill would continue to strengthen the partnership with the public schools.

Jim Kaney, Trapper Creek Job Corps, spoke in support of SB 394.

Mr. Kaney submitted a copy of the Certificate of Accreditation for the Trapper Creek Job Corps that states the job corps is accredited by the Northwest Association of Schools and Colleges, **EXHIBIT (eds33a04)**. He maintained they hire certified teachers.

Mr. Kaney explained there are 684 beds for young men and women in the three job corps in Montana. Of those 684, only 225 are occupied by Montana students. The student population at the Trapper Creek Job Corps Center hails from 16 different states. SB 394 would provide students the opportunity to gain credits for graduation as well as vocational training and valuable job placements throughout the Rocky Mountain States.

Chelsey Stay, Trapper Creek Job Corps, rose in support of SB 394. She related personal testimony regarding her positive experiences with the job corps.

Bill Cooper, Office of Public Instruction, enjoined support for SB 394. **Mr. Cooper** contended SB 394 would give the public schools another tool to meet the students' needs in Montana.

Erik Burke, Montana Education Association/Montana Federation of Teachers, indicated support for SB 394 and its amendments. He reiterated it would maximize the state's resources for making the students more marketable before entering the job force.

Bob Vogel, Montana School Boards Association, supported SB 394 advising that it would allow school districts to enter into cooperative agreements. It would also give young people an opportunity to obtain a high school diploma while becoming more productive members of society.

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. WATERMAN asked if students would take classes at the job corps sight. **SEN. SHEA** responded that there would have to be an agreement between the school district and the job corps as to what classes would be recommended.

SEN. WATERMAN wondered if the school district receiving the ANB would be in the same community as the job corps. **SEN. SHEA** stated that the students would graduate from their home district. The job corps would work in partnership with the home district allowing the ANB to stay with that district. **SEN. SHEA** reminded the committee that the classes would be at the job corps center.

SEN. WATERMAN wondered if this arrangement could be expanded to include students in residential centers. **SEN. SHEA** asked that the question be directed to **Bill Cooper**.

{Tape : 1; Side : A; Approx. Time Counter : 16 - 32}

Mr. Cooper stated that it would depend on the use of certified teachers. The possibility of electronic delivery could alleviate part of the problems found in local school districts. It wouldn't create a course of revenue for schools such as the Brown School in Deer Lodge.

SEN. ED BUTCHER stated confusion regarding the placement of students. He wondered if a parent could voluntarily place a child in the job corps program or if a referral must be received from the court system. **Bill Cooper** responded that a school district would enter into an inter-local agreement allowing the school district to agree to a placement that would work for each particular student.

SEN. BUTCHER suggested that the school would get the ANB for the student but the job corps must also receive some money. **Bill Case** clarified that when a school wished to refer a student to the job corps program it would contact an admission councilor. Each student must meet the entry requirements before being accepted. Once the student is accepted that student would be assigned credits by the school as pursuant to the inter-local agreement between the school district and the job corps. After the credits are assigned, the student would earn credits at the job corps center to meet the requirements for graduation from the high school.

SEN. BUTCHER inquired about students wrapped up in the justice system and wondered if this would be an alternative to sentencing. **Mr. Case** reported that a judge could not assign a student to the program but the judge could give the student a choice between sentencing and the job corps program. If the student was willing and would meet the requirements for enrollment, the judge might suspend or defer the sentence until the program had been successfully completed. The student could be denied enrollment if the student had been involved in any kind of violent physical behavior.

SEN. BUTCHER wondered what kind of benefits the job corps would receive from this partnership. **Mr. Case** replied that the job corps would not receive money from any school districts. He contended that the job corps would be looking for an opportunity to enter into an early partnership with the public school system, which would enable them to continue working with at risk students in a different setting.

SEN. ALVIN ELLIS certified that the job corps program was currently funded by the federal government and that it would not receive money from the local school district. **Mr. Case** affirmed that the job corps programs do not receive any money from any school district in the state of Montana. He apprized the committee that the Anaconda Job Corps had entered into an agreement with the Anaconda Public School System some years ago. The job corps has provided their educational facility to those students in the Anaconda Schools who wish to complete Math or English requirements during the summer months.

SEN. ELLIS wondered if students would continue to do that under SB 394. **Mr. Case** reported they would continue with the schools currently under agreement. He explained that those schools are close to the job corps and would allow the students to live at home.

SEN. ELLIS asked if the Anaconda School System was currently receiving ANB for students enrolled at the job corps. **Mr. Case** recounted that Anaconda does not receive ANB because that program only occurs during the summer time. Those students are not taken out of their daily classroom routine. The students go to the job corps during their summer vacation in order to receive the credits needed to move to the next grade level.

SEN. BUTCHER wondered if the state students would receive priority enrollment even though the job corps is funded through federal dollars. **Mr. Case** stated that since it is a federal program, the Department of Labor has set up certain regional areas. Based on regional geographical areas, the job corps would receive a certain number of students from Colorado and Wyoming. The Work Force Investment Act stated that job corps need to become more closely tied to the state. Those students that have a job corps center within their state should be assigned to that center. If the job corps center within the state does not offer the particular vocational training that a student wants then the student can select an out of state job corps center that provides that training.

SEN. JACK WELLS asked **Mr. Case** if he anticipated an increase in the number of additional students entering the job corps, if this

bill would pass and what the impact would be on the three job corps located in the state. **Mr. Case** responded that they were already getting a vast majority of those students from Montana, after they have dropped out of the system. He recounted that the goal would be to work with the school system, helping the at risk student before the student would drop out.

SEN. WELLS asked **Mr. Case** to define the criteria for acceptance into the job corps program. **Mr. Case** reminded the committee that the job corps program is not a mental health treatment program. If the student had mental health problems or severe behavioral problems they would not be allowed into the program. He warned that the environment must be safe and secure in order to allow learning to go forward.

{Tape : 1; Side : B; Approx. Time Counter : 0 - 10}

Closing by Sponsor:

SEN. SHEA closed on SB 394. She professed that SB 394 would create a win/win situation for school districts and for students that are at risk. It would be good for Montana and good for Montana youth. This program would target children that would not finish school, find a trade or develop a skill.

{Tape : 1; Side : B; Approx. Time Counter : 10 - 12}

HEARING ON SB 390

Sponsor: **SEN. JOHN COBB, SD 25, Augusta**

Proponents: **Kathy Fabiano, Office of Public Instruction**
Lynda Brannon, Montana Association of School
Business Officials

Opponents: **None**

Opening Statement by Sponsor:

SEN. JOHN COBB opened on SB 390. He informed the committee the bill was introduced by request of the Office of Public Instruction in order to make corrections to address inconsistencies and clarify intent of certain laws.

{Tape : 1; Side : B; Approx. Time Counter : 12 - 13}

Proponents' Testimony:

Kathy Fabiano, Office of Public Instruction, testified on SB 390. She offered a section-by-section overview of the bill, **EXHIBIT (eds33a05)**.

Lynda Brannon, Montana Association of School Business Officials, rose in support of SB 390 while voicing several concerns. She offered several suggestions that would make the bill clearer.

{Tape : 1; Side : B; Approx. Time Counter : 13 - 21}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. ELLIS asked for clarification on receipt of ANB for a district that has an unexpected increase in enrollment. **Lynda Brannon** stated that districts can apply for an emergency budget due to an unusual enrollment increase. The state can not, by law, give assistance unless the increase is greater than 6%. The district must absorb the students and take the money out of the reserve funds.

SEN. WATERMAN queried **Kathy Fabiano** regarding the situation that states that the Superintendent of Public Instruction has to approve the opening or reopening of the school. **Kathy Fabiano** stated that under current law the Superintendent of Public Instruction now approves the opening or reopening of a high school or elementary school.

CHAIRMAN BILL GLASER questioned whether the committee clearly understood that current tuition money comes out of the general fund, which is a voted levy. Under SB 390 the tuition fund would be a permissive levy and could be a non-voted levy.

Kathy Fabiano contended the law currently requires that districts pay for detention facilities out of the general fund. The tuition fund is a non-budgeted levied fund that is also a permissive levy. She stated that taking the money out of the general fund is based on the assumption that those students are generating ANB in the district that is paying that cost. In reality, unless those kids are enrolled in and in attendance in those districts, the district would not receive moneys for those students. Switching payment to the tuition fund would not be intended to circumvent the vote, but rather to recognize the fact that there is no money in the general fund to pay that cost. She further explained that in the tuition fund the district can levy for the cost. It would not be subject to vote because this

wouldn't be a cost that a district could choose to pay or not pay. Districts are required by law to make that payment when it is billed to them from the detention center.

{Tape : 1; Side : B; Approx. Time Counter : 21 - 26}

Closing by Sponsor:

SEN. COBB closed on SB 390.

{Tape : 1; Side : B; Approx. Time Counter : 26 - 27}

EXECUTIVE ACTION ON SB 394

Motion/Vote: SEN. COBB moved that SB 394 BE AMENDED (SB039401.aem) EXHIBIT (3). Motion carried unanimously.

Motion/Vote: SEN. COBB moved that SB 394 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON SB 313

Eddy McClure introduced amendments (SB031301.aem) for SB 313, EXHIBIT (eds33a06).

{Tape : 1; Side : B; Approx. Time Counter : 27 - 32}

Motion/Vote: SEN. COBB moved that SB 313 BE AMENDED (SB031301.aem). Motion carried unanimously.

Motion/Vote: SEN. COBB moved that SB 313 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON SB 294

Motion/Vote: SEN. ELLIOTT moved that SB 294 BE TABLED. Motion carried 12-2 with Bohlinger and Shea voting no.

EXECUTIVE ACTION ON SB 110

Discussion:

SEN. ELLIS apprized the committee that SB 110 needed some work and wanted to appraise the feelings of the committee. He stated that he would do some work on the bill and would delay the

affective date for two years. This would allow time for precinct boundaries and school district boundaries to become more uniform. He inferred that people liked the bill.

SEN. WATERMAN affirmed that she would be supportive of a delayed effective date if **SEN. ELLIS** could work out some of the problems with the bill. **SEN. BUTCHER** said he would concur since he felt people were fed up with having school elections as a separate election.

SEN. WELLS professed his support of the bill with **SEN. ELLIS'** suggested amendments.

SEN. JIM ELLIOT presented opposition to SB 110 indicating his belief that government is run by people who show up to vote. If people want to vote in a school election they can do that. He suggested mail-in ballots to increase the voter turnout.

CHAIRMAN GLASER advised **SEN. ELLIS** that the bill would be contentious but he felt the bill could be moved with a two year delay date. He wondered if **SEN. ELLIS** would have the time or resources to handle the bill in the House. **SEN. ELLIS** stated that he would be cramped before transmittal but stated he would go ahead with the bill. He would add another amendment in regards to a June 1st termination date for tenured teachers.

CHAIRMAN GLASER clarified that **SEN. ELLIS** would like to move forward with his concepts and amendments to SB 110. **SEN. ELLIS** agreed.

EXECUTIVE ACTION ON SB 390

SEN. WATERMAN introduced amendment (SB039001.aem) to SB 390, **EXHIBIT** (eds33a07).

Motion/Vote: **SEN. WATERMAN** moved that **SB 390 BE AMENDED**. Motion carried unanimously.

Motion/Vote: **SEN. COBB** moved that **SB 390 DO PASS AS AMENDED**. Motion carried unanimously.

ADJOURNMENT

Adjournment: 4:45 P.M.

SEN. BILL GLASER, Chairman

LINDA ASHWORTH, Secretary

BG/LA

EXHIBIT (eds33aad)